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6 Attorneys for Plaintiffs

7 UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 GIL CROSTHWAITE, et al.,

10 Plaintiffs,

11 v.

12 RYAN McCLURE EXCAVATION, INC.

13 Defendant.

Case No.: C08-2403 JSW

**REQUEST TO VACATE, or in the  
alternative CONTINUE, CASE  
MANAGEMENT CONFERENCE; AND  
DECLARATION OF SHAAMINI A. BABU  
IN SUPPORT THEREOF**

Date: May 1, 2009

Time: 1:30 p.m.

Ctrm: 2, 17<sup>th</sup> Floor

Judge: The Honorable Jeffrey S. White

16 1. This action was filed on May 9, 2008, to recover delinquent fringe benefit  
17 contributions pursuant to the Employee Retirement Income Security Act of 1974 (ERISA).

18 2. Saltzman & Johnson Law Corporation is counsel for Plaintiffs Gil Crosthwaite, et  
19 al. (“Plaintiffs”). Defendant Ryan McClure Excavation, Inc. (“Defendant”) is represented by legal  
20 counsel Murphy, Campbell, Guthrie & Alliston, but Defendant has not yet appeared in this action.

21 3. Defendant’s counsel previously provided relevant documents to Plaintiffs’ counsel  
22 that established certain amounts owed by Defendant.

23 4. On January 15, 2009, Defendant’s counsel notified Plaintiffs’ counsel in writing  
24 that Defendant’s corporate status had been “suspended” and that pursuant to Revenue and  
25 Taxation Code §23301 and California Corporations Code §2205, the corporate powers, rights,  
26 privileges of Defendant had been suspended thereby prohibiting Defendant from defending itself.

27 5. On February 17, 2009, Plaintiffs counsel notified Defendant’s counsel that  
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**REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE**

**Case No.: C08-02403 JSW**

1 Defendant must file an Answer by February 20, 2009, which Defendant did not file.

2 6. The Clerk entered Defendant's Default on February 23, 2009.

3 7. Plaintiffs' counsel has prepared a Motion for Default Judgment and is in the  
4 process of obtaining executed declarations in support of the motion. **The Motion for Default**  
5 **Judgment will be filed by May 1, 2009.**

6 8. Based on the foregoing, Plaintiffs respectfully request the Court to vacate the Case  
7 Management Conference currently calendared for May 1, 2009. Alternatively, Plaintiffs request  
8 the Court to continue the Case Management Conference if necessary, and request that all  
9 previously set deadlines and dates related to this case be continued as well.

10 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above  
11 entitled action, and that the foregoing is true of my own knowledge.

12 Executed this 24<sup>th</sup> day of April, 2009, at San Francisco, California.

13 SALTZMAN & JOHNSON  
14 LAW CORPORATION

15 By: \_\_\_\_\_/s/\_\_\_\_\_  
16 Shaamini A. Babu  
17 Attorneys for Plaintiffs

18 IT IS SO ORDERED.

19 The currently calendared Case Management Conference is hereby vacated.  
20 and RESET to July 10, 2009 at 1:30 p.m.

21  
22 Date: April 29, 2009  
23 \_\_\_\_\_

24   
25 \_\_\_\_\_  
26 United States District Court Judge  
27  
28